## BILL AS PASSED THE HOUSE AND SENATE 2015

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1	H.268
2	Introduced by Representatives Pearce of Richford and Beyor of Highgate
3	Referred to Committee on
4	Date:
5	Subject: Municipal government; municipal charters; Town of Franklin;
6	adoption and codification; merger; Franklin Fire District No. 1
7	Statement of purpose of bill as introduced: This bill proposes to approve the
8	adoption of and codify the charter of the Town of Franklin and to approve the
9	merger of Franklin Fire District No. 1 into the Town of Franklin.
10 11 12	An act relating to approval of the adoption and the codification of the charter of the Town of Franklin and of the merger of Franklin Fire District No. 1 into the Town
13	It is hereby enacted by the General Assembly of the State of Vermont:
14	Sec. 1. CHARTER ADOPTION AND MERGER APPROVAL
15	The General Assembly approves the adoption of and codifies the charter of
16	the Town of Franklin and the merger of Franklin Fire District No. 1 and the
17	Town of Franklin as set forth in this act. Proposals of charter adoption and a
18	plan for merger were approved by the voters of the Fire District and Town on
19	August 26, 2014.

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1	Sec. 2. 24 App. V.S.A. chapter 120 is added to read:
2	CHAPTER 120. TOWN OF FRANKLIN
3	Subchapter 1. Water Department and Water Commission
4	§ 101. WATER DEPARTMENT
5	There is created a Water Department for the purpose of maintaining a
6	municipal water system. The Water Department shall be separate from all
7	other departments in the Town.
8	§ 102. WATER COMMISSION
9	(a) The Selectboard shall appoint a three-member board that shall serve as
10	the Board of Water Commissioners, at least one of whom shall be a member of
11	the Selectboard. The members shall serve staggered three-year terms.
12	(b) The Board of Water Commissioners shall supervise the Water
13	Department and shall have all other duties and powers established by the
14	general laws of the State, except that changes to water rates and the
15	compensation of Water Department personnel shall require the consent of the
16	Selectboard.
17	§ 103. ESTABLISHMENT OF DEDICATED FUND
18	A dedicated fund is hereby established for the purposes set forth in
19	24 V.S.A. § 3313(b). The Fund shall be under the control and direction of the
20	Water Commissioners and its use and maintenance shall be dictated by the
21	general laws of the State.

1	§ 104. SEVERABILITY	
2	If any provision of this enactment shall for any reason be held invalid, such	
3	invalidity shall not affect the remaining provisions which shall be given effect	
4	without the invalid provision. To this end, the provisions of this chapter are	
5	severable.	
6	Sec. 3. MERGER OF FRANKLIN FIRE DISTRICT NO. 1 AND THE	
7	TOWN OF FRANKLIN; TRANSITIONAL PROVISIONS	
8	(a) Merger. Franklin Fire District No. 1 is hereby merged into the Town of	
9	Franklin, and Franklin Fire District No. 1 shall, except as provided in this	
10	section, cease to exist as a political entity or body corporate.	
11	(b) Assets transferred and liabilities assumed. Upon the effective date of	
12	the merger:	
13	(1) All of the assets and property of Franklin Fire District No. 1, both	
14	real and personal and of whatever kind, nature, and description, shall become	
15	vested in and become assets and property of the Town of Franklin without any	
16	further act, deed, or instrument being necessary.	
17	(2) All the liabilities, obligations, and indebtedness of Franklin Fire	
18	District No. 1 shall be assumed by the Town of Franklin without any further	
19	act, deed, or instrument being necessary.	
20	(c) Settling the affairs of the Fire District and finances. Prior to the	
21	effective date of merger, Franklin Fire District No. 1 shall settle so far as	

1	possible its financial affairs and, on the effective date of the merger, Franklin	
2	Fire District No. 1 shall turn over to the Clerk of the Town of Franklin all	
3	records, books, documents, and property of Franklin Fire District No. 1 for the	
4	attention of the proper offices and departments of the Town of Franklin. The	
5	general fund of Franklin Fire District No. 1 shall be added to the water fund of	
6	the Town of Franklin on the effective date of the merger.	
7	(d) Insurance coverage. Prior to the effective date of the merger, Franklin	
8	Fire District No. 1 shall maintain all insurance policies in its name in effect and	
9	shall fully cooperate with the Town of Franklin to ensure that coverage	
10	continues on and after the merger date with no gaps in coverage.	
11	(e) Water system. Upon the effective date of the merger, the Town of	
12	Franklin shall take control of the Franklin Fire District No. 1 municipal water	
13	system.	
14	(f) Water rates. Water rates in effect on the effective date of the merger	
15	shall continue in effect until changed by the Board of Water Commissioners,	
16	with the consent of the Selectboard.	
17	(g) Continuation of ordinances, rules, and regulations.	
18	(1) Until amended or repealed, all ordinances, rules, and regulations of	
19	Franklin Fire District No. 1 in effect on the effective date of the merger shall	
20	continue in full force and effect as ordinances, rules, and regulations of the	

Town of Franklin.

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1	(2) Where power is granted by any ordinance, rule, or regulation to the	
2	Prudential Committee or any other offices or departments of Franklin Fire	
3	District No. 1, such power shall be understood, on and after the effective date	
4	of the merger, to be conferred upon the appropriate officers and departments of	
5	the Town of Franklin.	
6	(h) Continuation in office. Members of the Prudential Committee of	
7	Franklin Fire District No. 1 shall continue in office until the effective date of	
8	the merger and thereafter such offices shall cease to exist.	
9	(i) Severability. If any provision of this enactment shall for any reason be	
10	held invalid, such invalidity shall not affect the remaining provisions, which	
11	shall be given effect without the invalid provision. To this end, the provisions	
12	of this section are severable.	
13	Sec. 4. INITIAL TERMS OF MEMBERS OF BOARD OF WATER	
14	COMMISSIONERS	
15	The Town of Franklin Selectboard shall appoint Franklin Board of Water	
16	Commissioners members on or before June 1, 2015. Of the initial three	
17	member appointments, the Selectboard shall appoint one member for a	
18	one-year term, one member for a two-year term, and one member for a	
19	three-year term.	

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1	Sec 5	EFFECTIVE DATES
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- 2 (a) This section and Sec. 3 (merger of Franklin Fire District No. 1 and the
- Town of Franklin; transitional provisions) shall take effect upon passage,
- 4 <u>except that Sec. 3(a) (merger) shall take effect on June 1, 2015.</u>
- 5 (b) All other sections shall take effect on June 1, 2015.